

REMARKS

Claims 1-15 have been withdrawn, and Applicants have added new claims 23-28. Claims 16-28 are presented for examination.

Applicants submitted an Information Disclosure Statement (listing documents cited in the parent application(s)) with the application when the application was filed on April 29, 2000, but have not yet received confirmation from the Examiner that she has considered the references cited on Sheet 3(C) of the Information Disclosure Statement. Applicants enclose a copy of sheet 3(C) of the Information Disclosure Statement, and request such confirmation from the Examiner.

The Examiner has rejected claims 16, 21, and 22 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 5,328,468 (Kaneko). Claims 16, 21, and 22 recite a method for fabricating a dilatation balloon, the method including producing a generally cylindrical balloon blank from a combination of a thermoplastic elastomer and a non-compliant structural material. But Kaneko does not disclose or suggest producing a balloon blank from a thermoplastic elastomer.

Kaneko describes a "balloon . . . [that] comprises either an aromatic polyamide . . . or an alloy of such an aromatic polyamide with other resin components, in particular, an aliphatic polyamide" (Kaneko, col. 4, lines 51-56). Kaneko briefly refers to a "thermoplastic rubber" in the Background, but does not describe or suggest an aromatic polyamide or aromatic polyamide alloy that also is a thermoplastic elastomer. The Examiner has stated that "Kaneko . . . discloses . . . a block copolymer (column 6, line 68), i.e. thermoplastic elastomer" (August 29, 2003 Office Action, p. 2). While Kaneko does explain that the aromatic polyamide alloy can be in the form of a block copolymer (see Kaneko, col. 6, lines 66-68), Kaneko does not state that the block copolymer is a thermoplastic elastomer.

Furthermore, even if the block copolymer were a thermoplastic elastomer, Kaneko does not describe a balloon that is made of a combination of the block copolymer and a non-compliant structural material. Thus, for at least the reasons described above, Kaneko does not anticipate claims 16, 21, and 22.

The Examiner also has rejected claims 17-20, which depend from claim 16, under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,195,969 (Wang) in view of Kaneko. The

Examiner has acknowledged that Wang does not describe a balloon with inner and outer layers that are formed from a thermoplastic elastomer, but has identified Kaneko as providing this missing element. (See August 29, 2003 Office Action, p. 3). But as explained above, Kaneko does not describe or suggest a balloon made of a thermoplastic elastomer. Thus, even if Kaneko and Wang could be combined, which Applicants do not concede, the combination would not render claims 17-20 unpatentable.

New claims 23-28 depend from claim 16 and are patentable over Kaneko and Wang for at least the reasons described above.

Applicants believe the claims are in condition for allowance, which action is requested.

No fee is believed due. Enclosed is \$110 check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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